

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:11CR106
)
vs.) ORDER
)
SARAH PENNEY,)
)
Defendant.)

This matter is before the court on the motion to continue by defendant Sarah Penney (Penney) (Filing No. 140). Penney seeks a continuance of the trial of this matter which is scheduled for May 7, 2012. Penney's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. **However, no further continuances of the trial of this matter will be granted absent an affidavit from counsel that a manifest injustice would occur if such a continuance were not granted.**

IT IS ORDERED:

1. Penney's motion to continue trial (Filing No. 140) is granted.
2. Trial of this matter is re-scheduled for **June 4, 2012**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 2, 2012, and June 4, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 2nd day of May, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge